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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/401,167 09/21/99 LEE

Y 929-2

EXAMINER

MM92/1128

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ART UNIT

PAPER NUMBER

2859

DATE MAILED:

11/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/401,167

Applicant(s)

Lee

Examiner

Gail Verbitsky

Group Art Unit
2859



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-10 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3(1pg)
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2859

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case, the claim language is confusing because according to the preamble of claim 1, the housing is made of a transparent material, according to the body of the claim, the housing is made of nontransparent material. It is not clear if the housing is being nontransparent as the result of being coated. Clarification is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 4, 7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi.

Takagi discloses in Fig. 1 a device comprising a housing having an inner casing (surface) 2 made of a transparent resin and an outer casing (surface) 3 made of an opaque resin or resin made opaque by coloring (col. 4, lines 20-23) wherein both casings are molded together forming an integral part having an outer opaque and an inner transparent surfaces. An injected opaque polycarbonate (col. 4, line 29) resin (outer surface) contacts or adheres to the inner resin (transparent surface) except a window 25. Thus, the inner surface is integrated with the outer surface and forms a distinct one-piece casing (entire col. 5). In a broad sense, the outer opaque surface is acting as a coating upon the transparent inner surface wherein the window is not covered with the opaque casing (coating), thus, a display can be well seen through the transparent inner surface. Takagi also discloses a metal tip 51 which houses a temperature sensor, a cap (cover) 85 which houses batteries and attached to a main body 4 by ultrasound bonding, thus, making one piece with the main body. As shown in Fig. 1, the window and the display are substantially congruent.

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi as applied to claims 1-4, 7 and 9-10 above, and further in view of Plimpton.

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Takagi discloses the device as stated above in paragraph 5.

Takagi does not explicitly disclose an LCD and the limitations of claim 6.

Plimpton discloses in Fig. 1 a device comprising a casing having a transparent window part covering an LCD and an opaque part forming an integral structure by injection molding wherein the casing material is rugged (roughened) (col. 5, lines 6-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the display disclosed by Takagi with the LCD, as taught by Plimpton, because both of them are alternate types of displays used in the temperature art which will perform the same functions of giving the user a visual information about the temperature measured, if one is replaced with the other.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to rug (roughen) the outer surface of the casing disclosed by Takagi such that it can withstand bumps and jars, as already suggested by Plimpton.

With respect to use of at least one of a mechanical or chemical treatment by exposure to abrading, etching or grinding, as stated in claim 6: it is very well known in the art to roughen a surface by exposing it to abrading, etching or grinding.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi as applied to claims 1-4, 7 and 9-10 above, and further in view of Tseng

Takagi discloses the device as stated above in paragraph 5.

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Takagi does not disclose a switch as stated in claim 8.

Tseng discloses a device in the field of applicant's endeavor comprising a switch 34 to turn the device on/off.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the switch, as taught by Tseng, to the device disclosed by Takagi, in order to turn the device on/off, as already suggested by Tseng and very well known in the art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices.

9. Any inquiry concerning this communication should be directed to the Examiner Verbitsky whose telephone number is (703) 306-5473.

Any inquiry of general nature should be directed to the Group Receptionist whose telephone number is (703) 308-0956.

GKV

November 02, 2000


G. BRADLEY BENNETT
PRIMARY EXAMINER